HUMAN RIGHTS ISSUES IN CAMEROON IN THE CASE OF THE INDEPENDENTISTS ARRESTED IN NIGERIA AND EXTRADITED TO CAMEROON

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Abstract:

Since the 5th of January 2018, Mr. Sisiku Ayuk TABE and 46 other activists of the pro-independence movement of North-West and South-West (Ambazonia) of Cameroon have been arrested in Nigeria and extradited by the Government of Nigeria and recognized to be on Cameroon soil on the 29th of January 2018 by the then Cameroonian government Spokesman, Minister of Communication, Mr. Issa Tchiroma Bakari and that despite the advocacy of the United Nations High Commissioner for Refugees to the Government of Nigeria who in his letter of the 24th of January 2018 declares, among others, we quote "…. *To ensure better management of migration flows in accordance with international humanitarian principles, the Office of the United Nations High Commissioner for Refugees continues its advocacy with the Nigerian authorities to safeguard the rights of those who have fled the crisis and to facilitate the supply humanitarian assistance to refugees in safety and dignity. The Office of the High Commissioner negotiated the release of certain asylum seekers arrested by the Nigerian authorities. For those in detention including the leader of the pro-independence group, the Nigerian government agreed to grant the High Commission access to determine their status. The Government has also reaffirmed to the High Commissioner that those in detention will not return to Cameroon.*

The article intends to present human rights challenges in Cameroon and how can be overcome. The article gives some recommendations in this regard.

Key words: Human rights, Cameroon, Nigeria, Independence, Ambazonia.

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INTRODUCTION

In January 2018, Ayuk Tabe was arrested with 46 other separatists in a hotel in the Nigerian capital, Abuja, allegedly by Nigerian Special Forces. They were then handed over to Cameroon – a move that was ruled illegal by a Nigerian court in March this year. The defendants refused to recognise the right of the military tribunal in Yaoundé to try them. Their lawyers are meeting to draft an appeal, which has to be filed within 10 days. Felix Agbor Balla, a leading human rights advocate in Cameroon, described the decision as a sham which would cause a lot of anger among anglophones. He said: "Sentencing Sisiku Ayuk Tabe and co will not solve the problems we have in Cameroon. It will instead aggravate the problem."

Ayuk Tabe, a charismatic 54-year-old computer engineer by training, was the first self-proclaimed president of the virtual country called 'Ambazonia', a breakaway state declared in October 2017 in two English-speaking regions of the central African country, Cameroon. The government responded with a military crackdown. Nearly 2,000 people are thoughts to have died and 530,000 have fled their homes. One of the defence lawyers, Christopher Ngong, said they had asked for the military judge to be recused and had walked out of the hearings in protest at the judge's decision to continue the case. He said the ruling had been prearranged by the court. Ngong said: 'Since they had a hidden agenda that they were going to pass judgment at all costs, so they went on with the matter, despite the fact that the accused persons were singing songs in court.'

With thousands of children in the crisis-hit areas out of education for several years, the government has been trying to promote a back-to-school campaign. Many anglophone Cameroonians think this will be jeopardised by the court's decision and expect the president, Paul Biya, to issue a pardon for the leaders. Following the arrest, Ayuk Tabe and the other separatist leaders spent 10 months at a gendarmerie headquarter, before being transferred to a maximum security prison in Yaoundé. (Journal du Cameroun, 2018) Their case started on December 6, 2018 at the Yaoundé military tribunal. When his name and nationality was read out, he rejected his Cameroonian nationality, and other separatist leaders followed suit. (Journal du Cameroun, 2019) The rejection of Cameroonian nationality led the case to be postponed.(Journal du Cameroun, 2019)

In January 2019, Mr. Ayuk Tabe's lawyer said that his client was ready to negotiate directly with Cameroonian president Paul Biya, on the condition that the negotiations would take place outside Cameroon. Three preconditions were made: A ceasefire, the

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release of everyone who had been arrested, and a general amnesty. These conditions were repeated in May. (Journal du Cameroun, 2019) In March 2019, a Nigerian court found his arrest and deportation illegal, and ordered that him and 68 others be returned to Nigeria and compensated. (Journal du Cameroun, 2019) Following this ruling, Tabe and fellow Ambazonian leaders issued a joint statement titled the "Ambazonia Freedom Protocol", in which they made nine commitments, including equality between tribes, equality for women, equal share of the riches of the land, respecting human rights, standing in solidarity with other peoples in a similar situation, and fighting for however long it takes to achieve independence. (Journal du Cameroun, 2019) On April 27, Tabe and the other nine accused Ambazonian leaders announced that they would start boycotting court sessions, (Journal du Cameroun, 2019) insisting to wait until the Appeal Court of the Centre Region decided on whether or not they should be returned to Nigeria.(Journal du Cameroun, 2019) On May 2, a controversial document signed by Ayuk Tabe declared that the Sako-led interim cabinet had been dissolved, and that his own pre-arrest cabinet had been restored. The document expressed appreciation of the job the Sako-led cabinet had done since February 2018, but stressed that infighting had rendered it unfit to continue; *the caretaker cabinet has lost the ability to reconcile our people and, in doing so, has imperiled the identity and mission of the interim government to complete the decolonization of Southern Cameroons through advancing our collective national interests. (*Journal du Cameroun, 2019) However, the Sako-led cabinet refused to abide by the declaration, resulting in what became known as the Ambazonian leadership crisis. In June, the Ambazonia Restoration Council (a separatist movement dating back to the 1980's) impeached Ayuk Tabe for "treasonous misconduct", and declared that he no longer had a mandate to speak on behalf of the Interim Government.(Journal du Cameroun, 2019) The Ambazonia Governing Council, traditionally a rival of the Interim Government, condemned the impeachment and uncharacteristically threw its support behind Ayuk Tabe. (Journal du Cameroun, 2019)

At some point after his arrest, Tabe reached out to former SDF parliamentarian Wirba Joseph, asking him to assume leadership of the revolution. Wirba declined the request. (Le Bled Parle, Jul 4, 2019) On July 30, 2019, Sisiku and the nine other detained members of the Interim Government declared that they would go on a hunger strike over the disappearance of convicts at Kondengui Central Prison and the Buea Central Prison. The hunger strike would last until their lawyers could verify the whereabouts of

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each disappeared convict. The strike started at midnight the same day. (Journal du Cameroun, Jul 30, 2019) On August 20, Ayuk Tabe and the other nine leaders were sentenced to life imprisonment by the Yaoundé Military Tribunal. (Journal du Cameroun, Aug 20, 2019) Having expected this outcome, the separatists were singing in court while the sentence was pronounced. (The Guardian, Aug 20, 2019) A week later, a letter signed by Mr. Ayuk Tabe stated that the life sentences were not a setback for the separatist cause, but rather a "validation of (their) self-determination and claim to a sovereign and free Southern Cameroons". (Journal du Cameroun, Aug 26, 2019)

HUMAN RIGHTS ISSUES: EXTRA JUDICIAL EXECUTIONS

At the beginning of the crisis, in November 2016, REDHAC recorded enforced disappearances, summary executions and extrajudicial killings of 08 protesters by the Cameroonian security forces. On 1st October 2017, REDHAC, the local bishops in the episcopal province of Bamenda, International Crisis Group, the US Department of State-diplomacy in a statement written by His Excellency Rex TILLERSON the US Secretary of State acknowledged that there were at least 100 demonstrators shot dead or disappeared following the action of the defense and security forces. 38 were well identified by REDHAC. As of February 2018; at least 150 people have been victims of summary and/or extrajudicial executions in the North West and South West regions.

ROADMAP IN SOLVING INDEPENDISTS DEMANDS: SOME ACTS BY THE AUTHORITIES

To diffuse tension, the Cameroonian government has done the following:

1) Deployment of security and defense forces in both regions,
2) Translation of the OHADA Code
3) Adoption of the law against cybercrime
4) Establishment of a recruitment strategy for English-speaking Cameroonians in the sectors of education, health, etc.
5) Announcement of the war against secessionists by the Head of State returning from the UA-EU Summit in Abidjan, Côte d'Ivoire,
29-30 November 2016.
6) Extradition of independentists from Nigeria to Cameroon

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Positive consequences

1) Lawyers in these two regions have harmonized documents;

2) Some leaders and some activists and participants were released by the Head of State on 30 August 2017 (They were 52);

3) Resumption of school even timidly in both regions;

4) Selective restoration of the internet connection.

Negative consequences

1) Government's contribution to exacerbating tensions and arbitrary detentions;

2) Massive arrests leading to the non-cooperation of the population;

3) Cameroonian men and women refugees in Nigeria (around 30 000) ;

4) Mistrust of the population vis-à-vis the defense and security forces;

5) Impunity among the security forces;

6) Radicalization of the crisis.

A military court in Cameroon has sentenced 10 leaders of the country's anglophone separatist movement to life imprisonment in what activists have described as a sham trial. The head of the movement, Julius Sisiku Ayuk Tabe, and nine of his followers were convicted of charges including terrorism and secession and given a fine of $350m (£286m) after an all-night sitting by the court. The separatist leaders sang protest songs as the sentence was handed down in the early hours of Tuesday morning. The severity of the sentence has raised fears that the bloody conflict playing out in Cameroon's anglophone regions between separatist rebels and military forces will be prolonged, and that no ceasefire will be possible.

CONCLUSION

This article has depicted some challenges related to violation of human rights in Cameroon. These include:

The challenges linked to women human rights defenders' work

Women Human Rights Defenders (FDDH) conducts their activities in an environment where the patriarchal remains deeply rooted. By defying these norms, they expose

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themselves to numerous gender-related violations. An environment in which they are the object of a growing number of reprisals.

These include sexual and moral harassment, arbitrary arrests and detentions, death threats, abduction attempts, intimidation, burglary, rape, summary and extrajudicial executions, torture, and cruel inhuman and degrading treatment, numerous discrimination, inequality, abuse and social and political aggression, physical and psychological harm to their family.

Sexual minorities and their defenders

Law No. 2016/007 of 26 July 2016 substantially amended Cameroon's Criminal Code. In particular, with regard to the provisions aimed specifically at LGBTI persons, it introduces an article 347-bis, into the Code, which replaces the former article 374-bis, but incorporates the following provisions:

'Is punishable by imprisonment of six (06) months to five (05) years and a fine of twenty thousand (20000) to two hundred thousand (200000) francs, any person who has sex with a person of his sex'. However, community members, particularly adolescents, can be prosecuted on the basis of another provision of the Penal Code: Article 344: Corruption of Youth.

RECOMMENDATIONS

The Cameroonian government must:

1) Rewrite Articles 2 and 3 of Law No. 2014/028 of 23 December 2014 repressing acts of terrorism in Cameroon to promote a safe, respectful and conducive environment for civil society;

2) Publish the list of "47 independents extradited from Nigeria" in January 2018 as well as all those who died or were arrested in the context of the socio-political crisis in the southwestern and northwestern regions of Cameroon. In order to allow families either to mourn or to come into contact with their relatives in prison in order to ensure them the right to a fair trial;

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3) Promote the United Nations Resolution 20/8 on the use of the Internet connection and review the law on cybercrime; so that human rights defenders and activists can carry out their activities without fear, nor legal, judicial and / or administrative harassment;

4) Implement Law No. 66 of the Constitution on the declaration of property and promote participatory economy and local development (make effective decentralization);

5) Ensure the real independence of the judiciary and the effective separation of powers by putting in place the mechanisms for the speedy trials including the right to a fair trial and the fight against impunity, which is characterized by the punishment of the perpetrators of the abuses and human rights violations;

6) Release all human rights defenders, members of civil society, activists and protesters who have been detained since 2015 and Adopt a law "promoting and protecting human rights defenders and activists" to provide the latter with State protection;

7) Ensure freedom of expression and freedom of the media by incorporating national legislation in accordance with international standards by examining the provisions on restrictions in the penal code that are used to detain, charge and sentence journalists, particularly those prosecuted for press offenses. The revised provisions should be in line with article 19 of the International Covenant on Civil and Political Rights (ICCPR);
8) Complete the ratification process of the Rome Statute for Cameroon to become a member of the International Criminal Court (ICC).

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